

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12489 of 2023

Arising Out of PS. Case No.-223 Year-2019 Thana- BHARGAMA District- Araria

1. Md. Izhar S/O Rustam @ Rustam Ali Resident Of Village- Chharrapatti, P.S.- Bhargama, District- Araria.
2. Md. Istekhar S/O Rustam @ Rustam Ali Resident Of Village- Chharrapatti, P.S.- Bhargama, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 188, 186, 332, 333, 341, 324, 353, 307, 504 of the Indian Penal Code, Section 3/9 of the Bihar Control of Use and pay of Loudspeaker Act and Section 184/177A of the M.V. Act.

As per FIR, during course of Muharram procession, two groups of procession started fighting amongst themselves and accused persons also disturbed the police personnel in discharging their duties.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that there is no specific overt act against the petitioners. He submits that the FIR has been instituted



against 35 named persons and 500 unidentified persons. He submits that similarly situated co-accused persons have already been granted bail by a Bench of this Court vide order dated 15.05.2023, 30.11.2022 passed in Cr. Misc. No. 71115 of 2022 and Cr. Misc. No. 36791 of 2022 respectively. He further submits that petitioners have one criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhargama P.S. Case No. 223 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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